

REMARKS

The Office has required restriction in the present application as follows:

Group I: Claims 1-24, drawn to a coating material; drawn to a metal extraction and purification processes; and

Group II: Claims 25-29, drawn to an electrolysis cell.

Restriction is only proper if the claims of the restricted groups are either independent or patentably distinct. The burden of proof is on the Office to provide reasons and/or examples to support any conclusion with regard to patentable distinctness. MPEP § 803.

Applicants respectfully traverse the requirement for restriction on the grounds that the Office has not provided adequate reasons and/or examples to support a conclusion of patentable distinctness between the identified groups. The Office stated that "the apparatus can be used to perform a different process, such as high temperature processing or electroplating small parts." Applicant notes that there is no clear evidence of record that could possibly support such a conclusion, and respectfully request that the Examiner withdraw the Restriction Requirement.

In addition, it is requested that the Examiner reconsider the restriction requirement in view of MPEP §803, which states "[i]f the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

Applicant respectfully submits that a search of all the claims would not impose a serious burden on the Office.

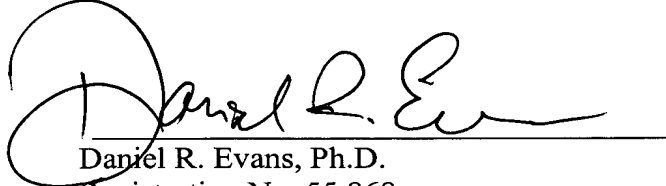
Accordingly, and for the reasons presented above, Applicant submits that the Office has failed to meet the burden necessary in order to sustain the requirement for restriction. Applicant therefore requests that the requirement for restriction be withdrawn.

Application No. 09/982,190  
Reply to Office Action of February 9, 2004

Applicant respectfully submits that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

  
Daniel R. Evans, Ph.D.  
Registration No. 55,868

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413-2220